

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

X2Y Attenuators, LLC, )  
Plaintiff, )  
v. )  
Intel Corporation, )  
Defendant. )  
Case No. 1:17-cv-164-CB  
Judge Cathy Bissoon

**MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL AUTHORITY**

Defendant Intel Corporation (“Intel”), by and through its undersigned counsel, hereby submits this Motion for Leave to Submit Supplemental Authority. In support of its Motion, Intel states as follows:

1. On September 1, 2017, Intel filed a Motion to Dismiss for Improper Venue or, in the alternative, To Transfer, along with a Memorandum in Support and supporting exhibits. ECF Nos. 24, 25, 27. The primary argument in support of the Motion to Dismiss is that venue is improper because Intel does not have “a regular and established place of business” in this District under the patent venue statute, 28 U.S.C. § 1400(b).

2. Subsequent to Intel filing its Motion and Supporting Memorandum, the U.S. Court of Appeals for the Federal Circuit issued a unanimous panel decision addressing the exact same provision of the patent venue statute—the court’s first decision addressing this issue in over 30 years. *See In re Cray, Inc.*, No. 2017-129 (Fed. Cir. Sept. 21, 2017).

3. Because the *Cray* decision is directly relevant to the issues raised by Intel's Motion, Intel requests leave to submit the attached Notice of Supplemental Authority briefly addressing this new precedent.

Wherefore, Intel respectfully requests that this Court grant it leave to file the attached Notice of Supplemental Authority. A proposed Order granting this Motion is attached for the Court's convenience.

Dated: September 29, 2017

Respectfully submitted,

/s/ Robert D. Finkel  
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